

REMARKS

1. Information Disclosure Statement

The Examiner notes that reference (CM) cited on page 2 of the list of art cited by Applicant with the Information Disclosure Statement of October 7, 2003 did not include an indication of the date of publication. The Examiner has requested correction. Enclosed, therefore, is a new form which lists only reference (CM) with an indication of the publication date. Since Applicants previously submitted a copy of the publication, an additional copy is not being submitted with this Response. Since the reference was previously submitted prior to a first Office Action on the merits, correction of this formality and consideration of the reference by the Examiner should not require the payment of any fees by the Applicant.

2. Rejection Under 35 U.S.C. § 112, First Paragraph

Claims 1-17 and 19 have been rejected under 35 U.S.C. § 112, first paragraph, with the Examiner urging that the application does not provide enablement for “prevention” of a disease or condition. Although the Applicants do not concede the propriety of this rejection, the claims have been amended to delete the phrase “or prevention” in order to expedite allowance the application. It is believed that this action overcomes the only rejection in the application, so that the claims should now be in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Leonard R. Svensson Reg. No. 30,330 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/617,468
Amendment dated October 9, 2007
Reply to Office Action of July 6, 2007

Docket No.: 5487-0112PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: October 9, 2007

Respectfully submitted,

By

Leonard R. Svensson
Registration No.: 30,330
BIRCH, STEWART, KOLASCH & BIRCH, LLP
12770 High Bluff Drive
Suite 260
San Diego, California 92130
(858) 792-8855
Attorney acting for Applicant under 37 CFR 1.34